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June 17, 2014

Sarah P. Flanagan, Esquire
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA Region 2
290 Broadway
New York, NY 10007

Re: Lower Passaic River Study Area

Dear Sarah:

As you know, our firm represents the Cooperating Parties Group ("CPG") with respect to the Lower Passaic River Study Area ("LPRSA"). I am writing to follow-up on four FOIA requests submitted by the CPG: [EPA-R2-2014-005758 - 04/21/14 ("First Request"); EPA-R2-2014-00618 - 04/28/14 ("Second Request"); EPA-R2-2014-006476 - 05/14/14 (amended on 05/15/14) ("Third Request"); and EPA-R2-007546 - 06/17/14 ("Fourth Request")] related to EPA's Proposed Plan for the lower eight miles of the LPRSA ("Proposed Plan"). To date, EPA has provided partial responses to the First and Second Requests. However, the information provided by EPA is of limited value and in many instances includes documents submitted by the CPG to EPA.

The EPA's response is very concerning as the information requested should be part of EPA's underlying data/analysis, and accordingly, should have been part of the publicly available administrative record so that interested stakeholders could fully understand, evaluate and reproduce EPA's results. For example, it is troubling that EPA cannot readily and immediately provide the underlying calculations and data set used to calculate biota sediment accumulation factors that are used in its Proposed Plan. The CPG requires EPA's full and complete response to all of its information requests in order to evaluate the Proposed Plan and prepare comments during the public comment period. Without waiving its right to receipt of a full and complete response from EPA, the CPG has identified the below items as priorities and requests that EPA expedite the portions of its response related to:

Anthony P. La Rocco, Administrative Partner, New Jersey

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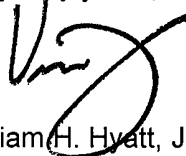
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1. An Access or Excel file containing each normalized tissue and sediment concentration data pair (with units, basis and data qualifiers) used to generate a regression model, Biota-Sediment Accumulation Factor (BSAF) curve or Biota Accumulation Factor (BAF) curve presented in Final FFS Appendix A, Data Evaluation Report 6 (Biota Analysis). The Access or Excel file should identify, for each biota tissue sample location, all tissue and sediment sample IDs used to generate the normalized tissue and sediment concentration data pair for that location
2. Sample IDs (including coordinates) and chemistry data for the four core samples, four grab samples and two dam catchment samples used by EPA to define upriver (above the dam) surface sediment background conditions.
3. Data files, including database query output (e.g., sample ID, analytical results, qualifiers) and ProUCL input file, for tissue samples included in current baseline Human Health Risk Assessment (HHRA) fish and crab tissue Exposure Point Calculations (EPC).
4. Technical bases (analyses, calculations, model files and results, and any other relevant materials) for EPA's sliding scale of annual averages based on receptor exposure duration (used to estimate future concentrations).

Please do not hesitate to contact me if you have any questions.

Very truly yours,



William H. Hyatt, Jr.

cc: Ms. Alice Yeh